

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)
vs.) CR 12-09E
JOSEPH L. OLLIE,)
Defendant.)

MEMORANDUM ORDER

Pending before the Court is Defendant Joseph L. Ollie's *pro se* "Motion in Request for a Suppression Hearing Due to Counsel Ineffective Assistance at December 5th, 2012 Suppression Hearing" [ECF #42], which this Court has interpreted to be both a request to the Court to reconsider its decision denying Defendant's motion to suppress, including holding a new suppression hearing and a request for the Court to appoint new counsel.

To the extent Defendant's Motion is a request for the Court to reconsider its decision denying Defendant's motion to suppress, including holding a new suppression hearing, the Court finds no basis to reconsider its decision, and therefore, Defendant's Motion shall be denied. To the extent Defendant's Motion is a request for the Court to appoint new counsel, as we held in the case filed against him at CR12-09E, it is clear that there has been a breakdown in the attorney-client relationship between Defendant and current defense counsel, and Defendant's Motion shall be granted.

AND NOW, this 14th day of March, 2013, it is hereby ORDERED, ADJUDGED, and
DECREED that Defendant Joseph L. Ollie's *pro se* "Motion in Request for a Suppression Hearing
Due to Counsel Ineffective Assistance at December 5th, 2012 Suppression Hearing" [ECF #42] is
DENIED to the extent it is a request for the Court to reconsider its decision denying Defendant's

motion to suppress, including holding a new suppression hearing, and is GRANTED to the extent it is a request for the Court to terminate current defense counsel and appoint new counsel.

It is further hereby ORDERED, ADJUDGED, and DECREED that Defendant's current counsel, Thomas Patton, is terminated as defense counsel and Christy Foreman, Esquire is appointed as Defendant's new counsel.

It is further hereby ORDERED, ADJUDGED, and DECREED that trial in this matter will commence on May 7, 2013 at 10:00 A.M. at the U.S Courthouse, Courtroom A, 17 South Park Row, Erie, Pennsylvania.

It is further hereby ORDERED, ADJUDGED, and DECREED that the extended time period, from today until May 7, 2013, shall be excluded under 18 U.S.C. § 3161(h)(7)(B)(iv) since the additional time period is necessary to allow newly appointed counsel "the reasonable time necessary for effective preparation, taking into account the exercise of due diligence," and therefore, the ends of justice served by this period of delay outweigh the best interest of the public and the Defendant in a speedy trial.

S/Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior District Court Judge

cc: Joseph L. Ollie, #33453068
NEOCC
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